

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GREAT WESTERN INSURANCE
COMPANY,

Plaintiff,

- against-

MARK GRAHAM, DONALD SOLOW,
BLUE CAPITAL MANAGEMENT, INC.,
BLUE ALTERNATIVE ASSET
MANAGEMENT LLC, WILMINGTON
SAVINGS FUND SOCIETY, FSB,
CHRISTIANA TRUST, REGATTA
HOLDINGS LLC, CYGNET 001
MASTER TRUST, CYGNET 001
MASTER TRUST SERIES 2011-A,
CYGNET 001 MASTER TRUST SERIES
2011-C, CYGNET 001 MASTER TRUST
SERIES 2013-A, ALPHA RE LIMITED,
ALPHA RE HOLDINGS (CAYMAN)
LIMITED, ATLANTIC SPECIALTY
FINANCE, BLUE ELITE FUND LTD.,
BLUE ELITE FUND LP, BLUE II LTD.,
SANCUS CAPITAL BLUE CREDIT
OPPORTUNITIES FUND LTD.,
ABILITY INSURANCE COMPANY,
JOHN DRAKE, EDWARD BRENDAN
LYNCH, GREGORY TOLARAM,
ADVANTAGE CAPITAL HOLDING
LLC, DAN CATHCART, AND
KENNETH KING.

Defendants.

No. 1:18-cv-06249-VSB

DECLARATION OF HAL S. SHAFTEL

HAL S. SHAFTEL, an attorney duly licensed to practice before this Court, hereby declares
under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney with the firm Greenberg Traurig, LLP, counsel to defendants Ability Insurance Company, Advantage Capital Holding, LLC, Dan Cathcart, and Kenneth King (collectively, the “Ability Defendants”). In connection with the Ability Defendants’ motion to dismiss the Second Amended Complaint, filed December 19, 2019 (Dkt. 106), as related to the Ability Defendants, I submit this declaration in order to put before the Court certain documentary evidence comprising contractual terms between Ability, Alpha Re Limited (“Alpha Re”) and Wilmington Savings Fund Society, FSB (“WSFS”), which are referred to in the Second Amended Complaint.

2. Exhibit A hereto is a copy of the Coinsurance Agreement effective as of December 31, 2012, by and between Ability and Alpha Re.

3. Exhibit B hereto is a copy of the Trust Agreement effective as of February 15, 2013, by and between Ability, Alpha Re and WSFS.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 5, 2019, in New York, New York.

/s/ Hal S. Shaftel
Hal S. Shaftel